

UNITED STATE DISTRICT COURT  
for the  
Southern District of New York

State of Texas, et al.	§	Civil Action 1:21-cv-06841-PKC
Plaintiff	§	
	§	
	§	
V.	§	
	§	
Google LLC	§	
Defendant	§	

**RESPONSE OF TEXAS DEPARTMENT OF MOTOR VEHICLES TO SUBPOENA TO PRODUCE DOCUMENTS,  
INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

The Texas Department of Motor Vehicles

c/o General Counsel, Laura Moriarty, Esp., 4000 Jackson Ave., Austin, TX 78731

**Requests for Documents:**

1. Documents and data sufficient to show the (i) Impressions that You Purchased; (ii) Attributed Clicks for such Impressions; (iii) Attributed Conversions for such Impressions; (iv) Attributed Sales for such Impressions; (v) gross amount You paid for such Impressions; (vi) total fees paid to all Ad Tech Providers (net of any discounts or rebates received) for such Impressions; (vii) Your return on investment for such Impressions; (viii) Your return on advertising spend for such Impressions; and (ix) the name of the Agency (if any) involved in Purchasing such Impressions - all aggregated (at a monthly level for each month since January 1, 2013) separately for each unique combination of the following parameters:
  - a. Publisher of the Inventory on which the Impressions were displayed;
  - b. Property on which the Impressions were displayed;
  - c. Ad Buying Tool (if any) through which the Impressions were Purchased;
  - d. Ad Exchange, Ad Network, or Ad Selling Tool through which the Impressions were Purchased;
  - e. Transaction Type though which the Impressions were Purchased;
  - f. Environment in which the Impressions were displayed;
  - g. Format of the Impressions;

- h. Whether or not the Impression was part of a Remarketing Campaign;
- i. Cost Type that was specified for purchasing the Impressions;
- j. Account ID; and
- k. Campaign ID associated with the Impressions.

An example of a sufficient response to this request is attached as Exhibit B. Data and documents produced in response to this Request shall be limited to information pertaining to transactions taking place in the United States. For any data and documents which You are unable to restrict by geography (for example, the geography is ambiguous or unknown), such data and documents shall be treated as responsive to this Request.

**RESPONSE:**

**The Texas Department of Motor Vehicles objects to the requests being overly broad and unduly burdensome. The TxDMV further objects on the grounds of sovereign immunity. Subject to these objections, please see the documents produced.**

- 2. Documents sufficient to show for each Campaign ID identified in response to Request No. I(k), the goals and objectives of that Campaign. Subject to those objections please see the documents produced.

**RESPONSE:**

**The Texas Department of Motor Vehicles objects to the requests being overly broad and unduly burdensome. The TxDMV further objects on the grounds of sovereign immunity. Subject to these objections, please see the documents produced.**

- 3. Documents sufficient to show how You calculate or assess return on advertising spend, return on investment, and other Campaign objectives (such as views, Clicks, downloads, conversions, actions, etc.).

**RESPONSE:**

**The Texas Department of Motor Vehicles objects to the requests being overly broad and unduly burdensome. The TxDMV further objects on the grounds of sovereign immunity. Subject to these objections, please see the documents produced.**

- 4. Documents reflecting Your costs, profits, return on investment, return on advertising spend, and revenue associated with Your purchase of Display Advertising via or by:
  - a. Direct Transactions or Indirect Transactions;
  - b. Programmatic or non-Programmatic Transactions;
  - c. an Agency or on Your own account;

- d. an Ad Exchange or an Ad Network;
- e. a Private Auction or marketplace;
- f. each Environment;
- g. each Format; and
- h. each Publisher or Property or type of Publisher or Property (such as social media and retail media).

**RESPONSE:**

**The Texas Department of Motor Vehicles objects to the requests being overly broad and unduly burdensome. The TxDMV further objects on the grounds of sovereign immunity. Subject to these objections, please see the documents produced.**

- 5. Documents reflecting how Your costs, profits, return on investment, return on advertising spend, and revenue are impacted by purchasing Display Advertising via or by:
  - a. Direct Transactions or Indirect Transactions;
  - b. Programmatic or non-Programmatic Transactions;
  - c. an Agency or on Your own account;
  - d. an Ad Exchange or an Ad Network;
  - e. a Private Auction or marketplace;
  - f. each Environment;
  - g. each Format; and
  - h. each Publisher or Property or type of Publisher or Property (such as social media and retail media)

**RESPONSE:**

**The Texas Department of Motor Vehicles objects to the requests being overly broad and unduly burdensome. The TxDMV further objects on the grounds of sovereign immunity. Subject to these objections, please see the documents produced.**

- 6. Documents reflecting Your consideration of the relative costs and benefits of Display Advertising compared to other forms of advertising (such as Search Advertising, Linear or Connected Television advertising, email, print, or radio advertising).

**RESPONSE:**

**The Texas Department of Motor Vehicles objects to the requests being overly broad and unduly burdensome. The TxDMV further objects on the grounds of sovereign immunity Subject to these objections, please see the documents produced.**

7. All documents concerning Clicks, Impressions, conversions, return on advertising spend, or return on investment for Display Advertising that You received from any Ad Tech Provider, including any breakdowns by Transaction Type.

**RESPONSE:**

8. Documents reflecting Your strategic plans, executive presentations, and financial statements concerning Display Advertising.

**RESPONSE:**

**The Texas Department of Motor Vehicles objects to the requests being overly broad and unduly burdensome. The TxDMV further objects on the grounds of sovereign immunity Subject to these objections, please see the documents produced.**

9. Documents reflecting how and why You set, monitor, and adjust Your Display Advertising spend, including documents reflecting (i) how You measure Display Advertising effectiveness; and (ii) how much of Your total advertising budget is allocated to Display Advertising.

**RESPONSE:**

**The Texas Department of Motor Vehicles objects to the requests being overly broad and unduly burdensome. The TxDMV further objects on the grounds of sovereign immunity Subject to these objections, please see the documents produced.**

10. Documents reflecting how You attribute conversions and any analyses of attribution (including internal and commissioned analyses purchased from an Agency, vendor, or consultant).

**RESPONSE:**

**The Texas Department of Motor Vehicles objects to the requests being overly broad and unduly burdensome. The TxDMV further objects on the grounds of sovereign immunity Subject to these objections, please see the documents produced.**

11. Documents reflecting how and why You shift Your advertising spend across various forms of advertising (such as Display Advertising, Search Advertising, Linear or Connected Television Advertising, email, print, or radio advertising).

**RESPONSE:**

**The Texas Department of Motor Vehicles objects to the requests being overly broad and unduly burdensome. The TxDMV further objects on the grounds of sovereign immunity. Subject to these objections, please see the documents produced.**

12. Documents reflecting how and why You shift Your advertising spend across various Ad Tech Providers or Ad Tech Products, including In-House Ad Tech Products.

**RESPONSE:**

**The Texas Department of Motor Vehicles objects to the requests being overly broad and unduly burdensome. The TxDMV further objects on the grounds of sovereign immunity. Subject to these objections, please see the documents produced.**

13. Documents reflecting how and why You shift Your Display Advertising spend among Formats, between Direct and Indirect Transactions, among Environments, among social media and non-social media Properties, and between Inventory Purchases using Agencies and not using Agencies.

**RESPONSE:**

**The Texas Department of Motor Vehicles objects to the requests being overly broad and unduly burdensome. The TxDMV further objects on the grounds of sovereign immunity. Subject to these objections, please see the documents produced.**

14. Documents reflecting Your consideration, evaluation, or comparison of Ad Tech Providers or Ad Tech Products (including In-House Ad Tech Products), and their Features, effectiveness, and pricing.

**RESPONSE:**

**The Texas Department of Motor Vehicles objects to the requests being overly broad and unduly burdensome. The TxDMV further objects on the grounds of sovereign immunity. Subject to these objections, please see the documents produced.**

15. Documents sufficient to show which Ad Tech Products You have used during the Relevant Period.

**RESPONSE:**

**The Texas Department of Motor Vehicles objects to the requests being overly broad and unduly burdensome. The TxDMV further objects on the grounds of sovereign immunity. Subject to these objections, please see the documents produced.**

16. Documents reflecting Your actual or considered switching from one Ad Tech Product to another Ad Tech Product, including Your reasons for switching (or not doing so), the costs of switching, and the actual or potential impact of switching on Your return on advertising spend.

**RESPONSE:**

**The Texas Department of Motor Vehicles objects to the requests being overly broad and unduly burdensome. The TxDMV further objects on the grounds of sovereign immunity. Subject to these objections, please see the documents produced.**

17. Documents reflecting contracts or agreements related to Ad Tech, Ad Tech Providers or Display Advertising, including those related to Direct Transactions (and if no contract is available for a Direct Transaction, documents sufficient to show the date, parties, and material terms of the Direct Transaction).

**RESPONSE:**

**The Texas Department of Motor Vehicles objects to the requests being overly broad and unduly burdensome. The TxDMV further objects on the grounds of sovereign immunity. Subject to these objections, please see the documents produced.**

18. Documents reflecting Your contracts or agreements with each Agency You have used for Display Advertising, including documents reflecting the services each Agency provides and how each Agency has been compensated for its services.

**RESPONSE:**

**The Texas Department of Motor Vehicles objects to the requests being overly broad and unduly burdensome. The TxDMV further objects on the grounds of sovereign immunity. Subject to these objections, please see the documents produced.**

19. All documents concerning any formal or informal governmental investigation concerning Google's Display Advertising or Google's Ad Tech Products, including all communications involving You and any governmental agency and all documents that You provided to any governmental agency.

**RESPONSE:**

**The Texas Department of Motor Vehicles objects to the requests being overly broad and unduly burdensome. The TxDMV further objects on the grounds of sovereign immunity. Subject to these objections, please see the documents produced.**

20. All documents concerning the effect of the availability or use of User identifiers or proxy identifiers (including but not limited to, for example, Apple Identifier for Advertisers (IDFA), Android AdID, Third-Party Cookies, and logged-in account) or other User tracking mechanisms on Your Display Advertising strategy or the cost effectiveness of Your Display Advertising.

**RESPONSE:**

**The Texas Department of Motor Vehicles objects to the requests being overly broad and unduly burdensome. The TxDMV further objects on the grounds of sovereign immunity. Subject to these objections, please see the documents produced.**

21. Documents sufficient to show whether, why, and for what purposes You use multiple Ad Buying Tools to purchase Display Advertising, including documents discussing whether You use multiple Ad Buying Tools to place Bids for the same type of Inventory, whether You use different Ad Buying Tools to place Bids for different types of Inventory, and the types of Inventory and/or Impressions for which You use multiple Ad Buying Tools.

**RESPONSE:**

**The Texas Department of Motor Vehicles objects to the requests being overly broad and unduly burdensome. The TxDMV further objects on the grounds of sovereign immunity. Subject to these objections, please see the documents produced.**

22. All documents concerning the impact of Header Bidding on Your Display Advertising strategy or the cost effectiveness of Your Display Advertising.

**RESPONSE:**

**The Texas Department of Motor Vehicles objects to the requests being overly broad and unduly burdensome. The TxDMV further objects on the grounds of sovereign immunity. Subject to these objections, please see the documents produced.**

23. Documents sufficient to show factors that influence Your choice of Bidding strategies (such as, for example, whether the auction is first- or second-priced, expected Floor Price, manual or automated Bid optimization strategies, and available post-auction report information) and the effect of Your Bidding strategies on Your return on investment or return on advertising spend.

**RESPONSE:**

**The Texas Department of Motor Vehicles objects to the requests being overly broad and unduly burdensome. The TxDMV further objects on the grounds of sovereign immunity. Subject to these objections, please see the documents produced.**

24. Documents reflecting the impact of Ad Blocking Tools on Your Display Advertising strategy or the effectiveness thereof.

**RESPONSE:**

**The Texas Department of Motor Vehicles objects to the requests being overly broad and unduly burdensome. The TxDMV further objects on the grounds of sovereign immunity. Subject to these objections, please see the documents provided.**

